

Message Text

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TO USMISSION OECD PARIS

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TAGS: EWWT, EFIN, OECD, UN

SUBJECT: OECD EXECUTIVE COMMITTEE DISCUSSION ON
UN LINER CODE, OCT. 9, 1975

REF: A) OECD PARIS 25173 B) OECD PARIS 25035
C) STATE 183767

1. DEPT. SEES ABSOLUTELY NO MERIT IN ACCEPTING PARA II
OF PROPOSED DRAFT ENTRY PARA 8 OR SUGGESTED OPTIONS PARA
10, REFTEL B. OUR REASONS THEREFORE REMAIN AS SET FORTH
IN REFTEL C. IN THE ABSENCE OF ACCEPTANCE OF A SIMPLE
TWO PARAGRAPH ENTRY COMPOSED OF PARAS I AND III --- WE
HAVE NO PROBLEMS WITH DANISH PROPOSAL, PARA 2, REFTEL A,
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AND MISSION MAY SUPPORT DANISH TEXT --- WE CONSIDER IT

PREFERABLE AND IN OUR INTEREST FOR THE

EXECUTIVE COMMITTEE TO ADMIT THAT AGREEMENT ON AN ENTRY IS IMPOSSIBLE AND REPORT THIS TO THE COUNCIL. SINCE MANY GOVERNMENTS BELIEVE STRONGLY THAT PARA II OF DRAFT ENTRY TEXT SO IMPORTANT, AS POSSIBLE COMPROMISE SOLUTION, MISSION MIGHT SUGGEST THOSE PARTICULAR GOVERNMENTS MAKE SEPARATE INDIVIDUAL STATEMENTS ALONG THOSE LINES FOR THE RECORD IN THE COUNCIL.

2. CONTRARY TO THE POSITION OF A NUMBER OF GOVERNMENTS REPORTED PARA 9, REFTEL B, WE DO NOT BUY ARGUMENT THAT PROPOSED PARA II OF DRAFT ENTRY IS ESSENTIAL TO KEEP PRESSURE ON CERTAIN MEMBER COUNTRIES FROM RATIFYING AND/OR CONFORMING TO PROVISIONS OF THE UN CODE. IF ANYTHING, THE PARAGRAPH IS A TROJAN HORSE. ITS INCLUSION WILL BE INTERPRETED BY SOME COUNTRIES NOT ONLY AS OECD ACQUIESCENCE TO PAST ACTS OF CERTAIN MEMBERS RE THE UN CODE, BUT ALSO AS SETTING THE STAGE FOR SUBSEQUENT ACTION THEREON BY OTHER OECD MEMBERS AS WELL AS THOSE MEMBER COUNTRIES WHO ARE ALREADY SIGNATORIES THERETO.

3. NEW WORDING PROPOSED BY AUSTRALIANS FOR PARAS II AND III, PARA 8, REF B, SUBJECT OF TANNER/CLARKE TELCON OF OCTOBER 1, IS UNACCEPTABLE. PARA II, PER SE, IS NOT ACCEPTABLE FOR REASONS DISCUSSED ABOVE. SUGGESTED CHANGE PARA III SERVES ONLY TO DILUTE THRUST THEREOF AND DESIRED FOCUS ON CODE CONVENTION. IN ANY EVENT, OUR PREFERENCE ON PARA III IS DANISH APPROACH OUTLINED PARA 2, REF A. OF COURSE DANISH PROPOSAL LACKS SPECIFICITY OF PRESENT DRAFT PARA III. HOWEVER, THIS IN ITSELF IS AN ADVANTAGE FROM THE STANDPOINT OF FUTURE FLEXIBILITY IN UTILIZING VARIOUS OECD FORA AS POINTED OUT BY DANES. KISSINGER

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